REMARKS

Claims 1-18 are all the claims pending in the application. Claims 1-18 presently stand

rejected.

Formal Matters

Applicant thanks the Examiner for acknowledging Applicant's claim to foreign priority

and for indicating receipt of the certified copy of the Priority Document.

Applicant thanks the Examiner for returning the initialed Form PTO/SB/08 filed with the

Information Disclosure Statement filed on March 26, 2004. Applicant notes, however, that the

Examiner improperly lined through one of the foreign-language references. In accordance with

MPEP § 609, a translation of a non-English language reference is not required when an

Information Disclosure Statement is submitted with a concise explanation of the relevance of a

cited document submitted for each patent, publication, or other information listed in an

Information Disclosure Statement that is not in the English language (See MPEP 609, and 37

C.F.R. § 1.98(a)(3)). When a document is cited in a foreign patent office action or search report,

the statement of relevance may be a translation of the portion of the foreign office action

indicating the relevance found for the documents.

As set forth in the March 26, 2004 Information Disclosure Statement, Applicant

submitted a Search Report citing the foreign document. A translation of key words used to

determine the relevance found for the documents was provided (i.e., "seiten" = "pages"). The

submission fully satisfies the requirements under MPEP § 609. Accordingly, the cited references

should be considered by the Examiner. Applicant herewith provides a duplicate Form-

PTO/SB/08, listing the references, for the Examiner's initials.

Applicant thanks the Examiner for indicating acceptance of the drawing figures filed on

March 26, 2004.

Specification

The abstract is objected to because it exceeds 150 words. Accordingly, Applicant has

amended the Abstract in a manner believed to overcome the objection.

The specification is objected to as failing to provide proper antecedent basis for the

claimed subject matter and for other minor informalities. Accordingly, Applicant has amended

the specification in a manner believed to overcome the objection. Since the subject matter added

to the detailed description of the Application has support in the claims, Applicant submits that no

new matter has been added.

§ 102 Rejection

Claims 1-18 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent

No. 5,363,484 to Desnoyers et al. (hereinafter "Desnoyers").

A.   Claim 1

Applicant submits that claim 1 is patentable over the cited reference. For example, claim

1 recites, "operating a plurality of applications in a subscriber of the data network such that the

applications access a data bus of the subscriber; by a first one of the applications, writing at least

one command structure into an address space of a memory of the subscriber via the data bus."

The Examiner maintains that Desnoyers discloses the above features. On page 3 of the

Office Action, it appears that the Examiner alleges that the computers 12-15 disclose the claimed

applications and the combiner memory system 11 discloses the claimed subscriber (Fig. 1). As

recited in claim 1, however, the applications are operated "in" the subscriber, where the

applications access a data bus. On the other hand, in Desnoyers, the alleged applications are

separate computers that are connected to the combiner memory system 11 via the cables 17.

Thus, the computers 12-15 of Desnoyers are not "applications" *in* the combiner memory system

11 (alleged subscriber) that write a command structure into a memory of the combiner memory

system 11 via a data bus.

Claim 1 also recites, "by the first one of the applications, writing a pointer to the address

space into an input register of the command unit via the data bus."

In regard to the above, the Examiner refers to the link list 110 of the input buffer 109 of

Desnoyers (Fig. 5; pg. 4 of Office Action). The Examiner also refers to column 6, lines 52-57 of

Desnoyers. The cited portion of the reference merely discloses that an address of the input

buffer is stored in the link list 110, where the link list 110 provides a pointer. The link list 110 is

provided in the combiner memory system 11 (alleged subscriber). Even if Applicant assumed

arguendo that the computers 12-15 disclose an "application," there is no teaching or suggestion

that a first one of the computers 12-15 writes the pointer in the link list 110 of the combiner

memory system 11 (alleged subscriber), in the manner claimed.

At least based on the foregoing, Applicant submits that claim 1 is patentable over the

cited reference.

B.   Claims 2, 3, 5 and 6

Since claims 2, 3, 5 and 6 are dependent upon claim 1, Applicant submits that such

claims are patentable at least by virtue of their dependency.

C.   Claim 4

Since claim 4 is dependent upon claim 1, Applicant submits that such claim is patentable

at least by virtue of its dependency.

In addition, claim 4 recites, "by the first one of the applications, checking whether the

input register includes the pointer; if the input register does not include the pointer, checking

whether the acknowledgement has been stored in the acknowledge field."

For the claimed check of whether the input register includes the pointer, the Examiner

refers to column 7, lines 9-11 of Desnoyers. The cited disclosure relates to an error bit that is set

in the event of an error during transmission. In regard to the claimed feature of checking storage

of the acknowledgement if the input register does not include the pointer, the Examiner refers to

column 10, lines 27-29 of Desnoyers. The cited disclosure indicates that after data is sent, the

system looks for the block count loaded in the register 47. Applicant submits that the portion

cited in column 7 of Desnoyers <u>fails to relate</u> to the portion cited in column 10 thereof in a manner set forth in the claimed method. In other words, setting of an error bits fails to correlate to the search of a block count and the search of a block count fails to teach or suggest the claimed checking that an acknowledgement was stored. Furthermore, even if the Applicant assumes *arguendo* that the search does suggest the checking of an acknowledgement, the reference fails to discloses that such check occurs "if" an input register "does not" include a pointer. The claimed method of claim 4 simply is not taught or suggested in Desnoyers.

At least based on the foregoing, Applicant submits that claim 4 is patentable over the cited reference.

D.   Claim 7

Since claim 7 contains features that are analogous to the additional features discussed above for claim 4, Applicant submits that claim 7 is patentable for at least analogous reasons to the additional patentability arguments presented for claim 4.

E.   Claims 8-11

Since claims 8-11 are dependent upon claim 7, Applicant submits that such claims are patentable at least by virtue of their dependency.

F.   Claims 12 and 18

Since claims 12 and 18 contain features that are analogous to the features discussed above for claim 1, Applicant submits that claims 12 and 18 are patentable for at least analogous reasons as claim 1.

G.   Claims 13-17

Since claims 13-17 are dependent upon claim 12, Applicant submits that such claims are patentable at least by virtue of their dependency.

In addition, since claim 15 contains features that are analogous to the features discussed above for claim 4, Applicant submits that claim 15 is patentable for at least analogous reasons as claim 4.
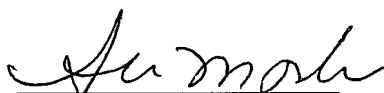
Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
Attorney Docket No.: Q79459   U.S. Application No.: 10/809,446

The USPTO is directed and authorized to charge all required fees, except for the Issue

Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any

overpayments to said Deposit Account.

Respectfully submitted,

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WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Date: **September 13, 2007**